



An
Bord
Pleanála

Inspector's Report

ABP-316245-23

Development	Construction of a 36m high multi-user lattice tower telecommunications structure.
Location	Benamore, Roscrea, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	22557
Applicant(s)	Signal Infrastructure Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Elizabeth Gleeson
Observer(s)	Gavin Hannon Ronan & Orlaith Middleton
Date of Site Inspection	31 st August 2023
Inspector	Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is located on a greenfield site approximately 1.5km east of Roscrea Town Centre and to the northeast of the Benamore Roundabout, which connects with the M7 via the R445 and the N62, and a local road. The site would be accessed off the local road, the L-3102, on its northern boundary and is 2m lower than the road. The area to which the subject site relates is stated as being 0.02hectares.
- 1.2. The Bunow river runs to the west of the site and is approximately 4m from the site's boundary. This river is upstream of the Little Brosna river in County Offaly. The site is bounded by road to the north and south, a dwelling c.90m to the east, and a water treatment monitoring building on the western side of the river.
- 1.3. To the north of the site on the opposite side of the local road is Benamore Business and Innovation Park. The Civil Defence Board building is to the northwest, with a number of residential houses to the east of the Business Park along the L-3103. There is an existing mast next to the Civil Defence building.
- 1.4. The R445, which runs parallel to the south of the site, has trees along both sides of the road. To the west of the site and beyond the roundabout along the N62 (Dublin Road) are a number of detached residential properties. The Dublin Road rises gradually from the roundabout.

2.0 Proposed Development

- 2.1. It is proposed to construct a 36m high multi-user lattice tower telecommunications structure raised on a 1.2m concrete plinth, carrying antenna and dishes within a compound (121m²) surrounded by a 2.4 metre palisade fence. The cabinets and ancillary equipment would be accommodated within the compound area. A new 3m wide entrance and 23m long gravel road with a turning bay would serve the compound off the local road. A 3m wide galvanised gate is proposed at the entrance.
- 2.2. A Technical Justification accompanied the proposal. The compound equipment and mast have been designed to accommodate multiple network operators and local national broadband providers. The applicant has stated deploying a 36m lattice

tower in this location will allow Mobile and Broadband operators to effectively deliver services to the local and wider area.

- 2.3. The proposal is accompanied by a Visual Impact Assessment (VIA) and a Flood Risk Assessment (FRA) and Justification Test.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission on 16th March 2023, subject to 4 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report sought further information on 2nd November 2022, requesting further details on the river, justification as to why the development is categorised as a 'less vulnerable use', technical evidence demonstrating the existing masts in the area are unsuitable for sharing, sightlines, and a further visual assessment at reduced heights and coverage for the mast.

The second planner's report, accepted the development was a less vulnerable use, the applicant's reason for not co-locating with the civil defence mast and the revised 90m sightlines. Whilst no site-specific surveys or monitoring was carried out for the river, the Planning Authority accepted the findings of the Justification Test. The Planning Authority had concerns regarding the visual impact of the proposed mast, but considered the reduction in the height of the mast was not feasible, given the resulting loss of coverage.

3.2.2. Other Technical Reports

- **District Engineer:** Report dated 3/10/22. Surface water run-off to continue to flow into the site from the public road and further information regarding sightlines to be in accordance with TCDP 2022-2028. No response on file from the District engineer to the further information.

- **Environment Section:** No response

3.3. Prescribed Bodies

- **Irish Aviation Authority:** Submission received confirming that the IAA has no requirement for obstacle lighting on the proposed telecommunications structure.
- **Eircom Radio Division:** No response

3.4. Third Party Observations

The planner's report refers to 6 submissions received to the initial application and 4 submissions received in respect to the further information. The submissions to the initial planning application are summarised as follows:

- Scale and visual impact of the proposed mast.
- Proximity to residential dwelling and impact on residential amenity and facilities in the area and tourism.
- Potential/opportunity for co-location on an existing mast.
- Proximity to river and local fish farm and issue of flooding from the nearby river.
- Adequate coverage in the area and mast is not needed.
- Lack of screening.
- Environmental impact.
- Health implications.
- Devalue property in the area.
- Concerns regarding the advert in a national paper and land registry details.

3.4.1. The four submissions received following the further information request were similar to the initial submissions, in addition to the following grounds:

- Visual impact on the area including Sli na Slainte walk.
- No potential for job creation locally.

- Potential to cause flooding elsewhere.
- Development not compatible with amenity zoning.
- Lack of public consultation.

4.0 Planning History

None relating to the subject site.

5.0 Policy Context

5.1. Roscrea Local Area Plan 2023-2029

- 5.1.1. The current Plan for the subject site is the Roscrea Local Area Plan (LAP) 2023-2029 and came into effect on 23rd October 2023. The subject site is zoned within the LAP as 'Amenity' with an objective 'To provide, preserve and enhance open space, biodiversity, and amenity uses'.
- 5.1.2. Telecommunications is not identified within the zoning matrix. Whilst the land use zoning framework will give an indication of the acceptability or otherwise of a particular use in particular areas, the proposed development will also be assessed in terms of compliance with the policies set out in the Tipperary County Development Plan and Development Management Standards, the Planning Guidelines and the local planning objectives of the Roscrea LAP. The site is identified as being within Flood Zones A & B.
- 5.1.3. Section 5.7 on Digital Connectivity in the LAP notes, 'Most of the town has access to high-speed broadband services, whilst there are some areas where the service will be provided through state-led intervention under NBI.' There is no planning policy within the current Roscrea LAP specific to telecommunication masts, although reference is made to a 'Digital Town Blueprint Preliminary Report', carried out in December 2022, which will be further built upon as part of the Town Centre First Plan.

Objective 5I seeks to: Secure high-quality digital connectivity in Roscrea in line with the National Broad Band Plan and enable digital technology as part of the Town Centre First Plan.

- 5.1.4. **Planning Policy 8.5:** This policy requires proposals for development to comply with requirements of the Planning System and Flood Risk Assessment Guidelines (DEHLG, 2009 and any update thereof) including providing detailed design specifications as may be required to facilitate the impact of development. Development shall not be permitted, unless it is demonstrated that the development satisfies the justification test as outlined in The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009.

5.2. Tipperary County Development Plan 2022-2028

The site is zoned 'Amenity' and lies within Flood zones A & B. Roscrea is identified as a 'District Town' within the settlement hierarchy of the County.

- 5.2.1. **Planning Policy 6-6:** Facilitate the sustainable development of telecommunications and digital connectivity infrastructure in line with Harnessing Digital, The Digital Ireland Framework (GoH, 2022) and in accordance with Telecommunications Antennae and Support Structure: Guidelines for Planning Authorities, (DEHLG, 1996), where it can be established that there will be no significant adverse impact on the surrounding areas and the receiving environment.
- 5.2.2. **Planning Policy 11-9:** Assess all new developments (both within and without designated Flood Risk Zones) in line with the 'Staged Approach' and pre-cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DEHLG, 2009) and any amendment thereof. Of particular relevance is Policy 11-9 (e)
- (e) Require applications for new development, or for an extension to an existing development on land zoned for 'Social and Public' or 'Amenity' use and where a potential flood risk is identified, and where the proposed use might be vulnerable, to be subject to site-specific flood risk assessment to the satisfaction of the Council.
- 5.2.3. **Planning Policy 11-10:**(a) Flood risk assessments shall incorporate consideration of climate change impacts and adaptation measures with regard to flood risk, and,

(b) Flood risk management planning shall determine actions to embed and provide for effective climate change adaptation as set out in the OPW 'Climate Change Sectoral Adaptation Plan for Flood Risk Management' applicable at the time.

5.2.4. National Planning Framework Project Ireland 2040:

National Policy Objective 24 - support and facilitate delivery of the National Broadband Plan.

5.2.5. National Broadband Plan 2020:

The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

5.2.6. Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, (DEHLG 1996)

The Guidelines place an emphasis on visual impact being among the more important considerations which must be taken into account in arriving at a decision on a particular application. Section 4.3 'Visual Impact', provides that, 'In the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial estates or in industrially zoned land.' There will be local factors which have to be taken into account in determining the extent to which an object is noticeable or intrusive – intermediate objects (buildings or trees), topography, the scale of the object in the wider landscape, the multiplicity of other objects in the wider panorama, the position of the object with respect to the skyline.

Section 5.5, promotes the sharing and clustering of facilities to reduce the visual impact on the landscape. All applicants will be encouraged to share and have made a reasonable effort to share. Support structures used by emergency or other essential services are not suitable for sharing with public mobile telephone services.

5.2.7. Circular Letter PL 03/2018

This circular provides a waiver in Development Contributions for broadband and mobile services.

5.2.8. The Planning System and Flood Risk Management Guidelines (DoEHLG, 2009)

The Guidelines require the planning system to avoid development in areas at risk of flooding unless appropriately justified and mitigated; adopt a sequential approach based on avoidance, reduction and mitigation; and incorporate flood risk assessment into the decision-making process.

5.3. **Natural Heritage Designations**

The site is not located within a designated area and the closest Natura 2000 sites are the Slieve Bloom Mountains SPA (site code: 004160) and the Slieve Bloom Mountains SAC (site code 00412), both are c.3.8km and c.7km respectively, to the northeast of the site. The Little Brosna flows into Sharavogue Bog SAC (site code: 000585) which is c.12.6km to the northwest of the site.

5.4. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements. Refer to pre-screening form on file.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. This is a Third-Party appeal by Elizabeth Gleeson against the decision to grant planning permission. The grounds for appeal can be summarised as follows:

Works outside the red line boundary

To achieve the sightlines requires work outside the red line boundary and consent from the relevant owner. It is likely in this instance the land is within Tipperary County Council's ownership.

Documentation inaccuracies

Applicant has failed to show the entirety of the landowner's landholding.

Flooding

A more detailed flood risk assessment is required to assess the impact of the concrete slabs to be constructed to support the mast and operator cabinets regarding causing flooding elsewhere.

Trenches are proposed to take surface water run-off from hard surfaces to soakaways. The trenches have not been shown on elevational or sectional drawings and this is a significant omission as flooding is a significant concern given changes to the topography of the site and proximity to residential properties.

Visual Impact

The visual impact appraisal (VP1) attempted to omit all residential properties in the locality to portray a solely industrial context. There are four dwelling houses in immediate proximity or hidden within the picture presented.

The visual impact from the R445 (VP9) will only be partially mitigated for a portion of the year when the trees are in full leaf, and the assessment has not had regard to same.

This site is a major gateway into and out of Roscrea as indicated in VP6, and the mast will impact on the first focal point to the town.

Applicant has not demonstrated why it is not possible to share the Civil Defence mast 200m from the site.

6.2. Applicant Response

The applicant's response includes:

- The proposed development has been assessed against and is in accordance with the relevant Tipperary County Development Plan policies, objectives and government planning guidance.

Works outside the red line boundary

- As part of the further information response the applicant provided sightlines at 2.4m back from the edge of the road. There are no works required outside the red line boundary. The reference to cutting of vegetation on the grass bank was included as a maintenance issue so as to demonstrate to the planning and road authority that control of vegetation is necessary to maintain

unobstructed views on the sightlines. An aerial photograph was included to demonstrate sightlines.

Documentation inaccuracies

- The planning drawings lodged with the planning authority are considered to be sufficient to meet the requirements under Article 22 of the Planning and Development Regulations 2001, as amended. For the purposes of clarity, the development boundary and works outlined in red in the planning application drawings extend to the physical boundaries on the ground, i.e the fence and verge line which is within the ownership boundary of the site provider who has provided the legal consent to lodge the planning application.

Flood Risk Assessment

- A Justification Test was submitted as part of a further information response. The development is classified as a less vulnerable development type being an unmanned remotely controlled installation. There have been no recorded historic flooding incidents within the proposed site boundaries, and the site is positioned in a Flood Zone A in a fluvial context. Projected flood levels were modelled for the proposed development under the CFRAM program, and given the height of the freeboard and the size of the site, an expected flood risk is low.

The proposed site will have a buffer of 4m from the river, and given the footprint of the site is small and the river not being included as part of the OPW's Arterial Drainage Scheme, the relatively small size of the watercourse and access being available on the other side of the river, associated maintenance issues will be negligible.

The plinth on which the development will be positioned to achieve appropriate freeboard (0.65m) will be constructed of durable concrete protecting the function and integrity of the installed structures and equipment. All other equipment including the mast are capable of short term submergence. If

there are any abnormal flood occurrences engineers will re-survey when safe to do so and make recommendations for any defects encountered.

The drainage detail will be confirmed at detail design stage following planning permission to proceed. The retaining wall will be a pre-cast L shaped retaining wall installed with an associated drainage channel soakaway contained within the site boundary. Drainage pipes will be installed behind the wall to collect and divert water away from the backfill.

Visual Impact

- While the site is on an area zoned amenity space it is adjacent to an industrial area that is on the outskirts of Roscrea where there are very few houses located. Wider views of the structure are limited by mature trees and hedging that are evident in the surrounding landscape which assists in screening. Accepts there are close up public views of the mast in the immediate surrounds of the site where the structure is fully exposed and is a dominant feature due to the height of the structure. A review of the height of the mast was undertaken. However, it was the radio engineer's opinion that any reduction in height minimises the potential of the site's coverage and the capability of the tower as a multi operator, which could mean the need for a second site, which is contrary to planning policy on reducing the unnecessary proliferation of telecommunication towers.

Advice in relation to any assessment to visual intrusion leading to a finding of material harm must involve extra factors such as undue obtrusiveness, or an overbearing impact leading to a diminution of conditions at the relevant property to an unacceptable degree. Wireless telecommunications infrastructure by its very nature creates a visual impact on its surroundings and it is an acceptable principle that such impacts are necessary in order to provide the necessary infrastructure in rural and urban areas. In this case the

visual impact on the urban landscape is acceptable as demonstrated in the photomontages that were provided and accepted by the Planning Authority.

6.3. Planning Authority Response

The Planning Authority is satisfied the decision to grant planning permission was appropriate and in the interest of the proper planning and sustainable development of the area. The issues raised were fully considered and responded to in the Planner's Reports. The development was permitted having regard to the issues raised and the assessment of the proposal against all applicable guidance and the policies of the County Development Plan.

6.4. Observations

Two observations were submitted, one from Ronan & Orlaith Middleton and one from Gavin Hannon on the following grounds:

- Planning application was not advertised in a local paper.
- Land on which the mast is positioned is not folio registered to anyone.
- Impact of mast on water quality and aquatic life.
- Tower undermines the Sli Na Slainte walkway.
- What are the limits on the tower.
- Health implications.
- Will not generate jobs within community.
- Visual impact and breaks the skyline and detrimental impact on residential and visual amenity.
- Located within one of the main entry points into the historic town.
- Devalue property.
- Contrary to amenity zoning, to protect amenity area and approaches into town.
- Other more appropriately zoned lands in the area for proposed development.
- Materially contravenes Roscrea LAP.
- Planner's report fails to address the impact on residential areas.

- Contrary to telecommunications guidelines as should only be a last resort to permit masts in a residential area.

7.0 Assessment

7.1. I have read the entire contents of the file, visited the site and the surrounding area and have had regard to the issues raised in the grounds of appeal. I note the site is zoned 'Amenity' and although the zoning matrix does not include for telecommunications structures, the proposed development would not contravene a zoning objective in the LAP. I therefore consider the issues in this appeal to be as follows:

- Site selection and alternatives considered;
- Residential and visual impacts;
- Flooding;
- Other Issues; and
- Appropriate Assessment.

7.2. Site selection and alternatives considered

The application was accompanied by a site selection justification from Cellnex. This report states the site was chosen to improve broadband services to the areas of Verdant Hill, Mount Butler, St. Annes Sean Ross Abbey, Lowry Lane, the surrounding areas and road network (N62 & R445), to enable the delivery of high quality voice and data services.

7.2.1. A map was enclosed identifying 6 sites within a 6.3km radius of the site where there are existing telecommunications equipment. These structures were discounted as they are considered by the applicant to be either too low, or too far, to provide adequate coverage to the target area. Nevertheless, the applicant has not indicated why the subject site was chosen over any other suitable site in the surrounding area. I have examined the Cellnex coverage map indicating the improved coverage as a consequence of the proposed mast at the subject site. The immediate area surrounding the subject site currently receives outdoor coverage, and the proposed mast is predicted to increase in-car/indoor coverage in this area, so that customers will have good/adequate broadband data speeds and voice services.

- 7.2.2. Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines (the Guidelines) states that in the vicinity of larger towns operators should endeavour to locate in industrial estates or in industrial zoned land. The Civil Defence mast is located within proximity to the subject site on employment zoned lands. The applicant in their further information response ruled out co-location with this mast, as it was both unavailable commercially and not capable of accommodating the proposed equipment at the elevation required to provide coverage in the wider Roscrea area.
- 7.2.3. Section 4.5 of the aforementioned Guidelines recognises where it is not possible to share a support structure the applicant should, where possible, be encouraged to share a site or to site adjacently so that masts and antennae may be clustered. The applicant has not provided any evidence to suggest they have approached the owners of the Civil Defence mast, and whilst I consider it may not be possible to co locate with this mast, the applicant has not adequately demonstrated there is no potential to cluster the proposed mast adjacent to the existing mast, and thereby avoid the unnecessary proliferation of masts in the area and reduce visual impact.
- 7.2.4. Accordingly, having reviewed the information in the planning application and appeal, I am not satisfied given the zoning for the subject site, that the applicant has been proactive in assessing suitable less sensitive alternative sites to address the coverage issue, which is primarily identified as being beyond the subject site to the east, north and south.

7.3. Residential and visual impacts

- 7.3.1. The guidelines and associated circular states that Planning Authorities should be primarily concerned with the appropriate location, design and visual impact in arriving at a decision on telecommunication structures. I note the national guidelines/circular state no minimum distance between dwellings and telecommunications structures and states none should be applied in development plans. Both the current Roscrea LAP and the Tipperary CDP recognises that there is a balance between facilitating the provision of mobile telecommunications infrastructure, and the need to protect residential and visual amenity and the surrounding environment.

- 7.3.2. The applicant contends a reduction in the height of the mast would impact on the potential coverage for the area and, although the mast is on an area zoned amenity space, it is adjacent to an existing commercial/industrial area zoned for employment uses, that is on the outskirts of the town where relatively few houses are located. Nevertheless, I consider it is important that the residential amenity of the occupiers in the houses near the subject site, which are sandwiched between two employment zoned land areas and next to a major regional road, are not compromised by the proposed structure.
- 7.3.3. I concur with the applicant that simply by seeing a structure from a particular viewpoint or property is not always a sufficient reason to find a Visual Impact Assessment (VIA) unacceptable even though an individual property owner might find it objectionable. The development would be set back circa 23m from the road frontage and would be exposed along the site's frontage. Bearing in mind the subject site has an overall area of 121m² and a 3m wide frontage and 4m from the river, there is little availability to screen the development from the local road and residential properties and maintain sightlines.
- 7.3.4. A 36m high lattice mast would be a dominant structure on the site and would contrast in scale and character to the immediate area and other structures close by which are generally single or two storeys in height. The proposal would in my opinion have an overbearing and prevailing effect on the residential occupiers along this stretch of road given its height and design and would have a detrimental impact on the existing physical and visual environment.
- 7.3.5. It is concluded in the VIA and photomontages submitted that the highest level of visual impact would be within the immediate vicinity of the development and from two locations, one c.148m to the north east and the second c.142m to the south west of the site's location. It is acknowledged in the VIA that the structure will appear dominant, due to its height where it is fully exposed but that there is no means to mitigate this impact. The remaining viewpoints, according to the VIA, would have a moderate, slight, to imperceptible impact due to the distant views or due to the site's topography and the existing trees screening the development along the southern boundary of the site. Based on the VIA and from my site inspection, I would be of the opinion the mast will be visible from other points namely; VP1, 2, 3, 4, 6, 7, 10 and 11, particularly as the mast is a tripod lattice structure and is higher and more

bulky than the existing telegraph poles and wires close to the roundabout and in the vicinity of the site.

- 7.3.6. I note the existing screening to the south of the site along the R445 is significant. However, the VIA confirms the structure will project above the line of trees along this stretch of road. I am of the opinion there would be intermittent views of the structure despite the existing tree cover, and during the winter months the extent of tree coverage would be diminished to a large extent, which would make the structure more visible from the west along the R445, to the east along the N62 and to the south of the roundabout.
- 7.3.7. Whilst I accept telecommunication structures create a visual impact on their surroundings, I do not accept that a more appropriate location is not available to the applicant beyond the fringe of the town that would have a less overbearing impact on the setting of Roscrea town. On the day of my site inspection, I noted the Civil Defence mast, which is visible from certain locations to the west and south. However, this structure is set back much further from the road frontage than the proposed structure and therefore, appears less intrusive and dominant within the area and is subsumed to a large extent by the surrounding commercial units. The current proposal would result in 2 masts between 30m-36m high in proximity to each other, close to the exit/approach into the town.
- 7.3.8. I note the applicant's response to the grounds of appeal states that the subject site is located on the most common type of landscape within the county and is not situated within the vicinity of any protected viewpoints. The proposed mast being 36m high, set back c.54m from the footpath to the west, in a prominent location on a strategic approach into and out of the town will add to the existing clutter in this location and impact on the surrounding area. It is important in the interests of the townscape to ensure that further telecommunication and related development does not have a detrimental impact on the appearance or character of the town.
- 7.3.9. The site lies within the LAP boundary of Roscrea, albeit on the eastern outskirts of the town. The tree planting along the N62 and R445 has created a strong sylvan gateway entering and exiting the town and provides an opportunity to establish visitors' perceptions of the town. I consider that the placing of a 36m high tower so

close to this roundabout would detract from the area, and the attractiveness of one of the gateways into Roscrea, which cannot be mitigated with landscaping.

7.3.10. I acknowledge it is national policy to provide and improve the network of mobile telecommunication infrastructure throughout the country. However, having assessed the site and its surroundings, it is my view that the height, scale and lattice design of the proposed mast near dwellings and on a strategic approach into and out of the town would appear incongruous and inappropriate and would add to the existing clutter in this location and would therefore have an adverse and overbearing impact on the residential and visual amenity of the area and detract from the character of the townscape.

7.4. Flooding

7.4.1. The mast and compound would lie within Flood Zone A (where the probability of flooding is highest greater than 1% or 1 in 100 chance of flooding from rivers in any given year) and the access road would be located within Flood Zone B (1 in 1000) as identified within the Strategic Flood Risk Assessment (SFRA) for the CDP 2022-2028 and the Roscrea LAP to be adopted in October 2023. A Flood Risk Assessment (FRA) was submitted with the planning application and a Justification Test in response to further information.

7.4.2. The FRA contends that the site is not shown to be at risk of flood events according to the OPW mapping and that existing drainage arrangements would not be affected by the proposed development. I have reviewed the OPW flood mapping for the area and I note that it does not indicate any past flood events for the site, and it was not included within any arterial drainage scheme works. The Catchment Flood Risk Assessment Management (CFRAMs) flood maps indicate the site is at risk of fluvial flooding. There would be a buffer of c.4m from the Banow river to the subject site and access to the river from its western side for maintenance access. The proposed mast and compound would have a 1.2m raised concrete foundation above ground level to support the equipment, which allows for a freeboard of 0.65m above the most significant modelled event identified in the CFRAM study. All hard surfaces would be kept to a minimum to reduce the placement of stormwater. During the construction phase surface water would be managed by means of conventional surface water management techniques that are designed to capture surface run off

and thereby prevent the dispersal of pollutants. During the operation phase surface water run-off from hard surfaces would be routed by means of trenches to soakaways. Given the overall size of the development (121m²) I would concur with the Flood Risk Assessment that it is not likely to increase flooding elsewhere.

- 7.4.3. According to the Flood Guidelines most types of development would be considered inappropriate in this zone, and should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere or where the Justification Test has been applied. The Justification Test is designed to rigorously assess the appropriateness, or otherwise of developments that are being considered in Flood Zones A and B to assess the vulnerability of a development.
- 7.4.4. In the Justification Test the applicant considers the development would improve the telecommunications network where there is a demand for increased capacity, thereby benefitting the economy of Roscrea town which is set to grow by 15% by 2028. In the applicant's grounds of appeal, they have confirmed that the proposed development would be unmanned, remotely monitored and controlled via the telecommunications network, and the associated equipment is capable of short term water submergence.
- 7.4.5. Table 3.1 of the Guidelines outlines classes of development which are considered, 'highly vulnerable development'. Telecommunications infrastructure is not specifically mentioned in this section and therefore its vulnerability class cannot be easily categorised. I would concur with the Planning Authority and the applicant's view that the proposed development is a 'less vulnerable development'.
- 7.4.6. The appellant has raised concerns about the lack of detail of the proposed trenches for the surface water run off during the operational phase. The applicant in response has provided an indicative detail which includes a gravel backfill for drainage. I am satisfied that appropriate measures could be installed to satisfactorily address the risk of surface water run-off from the development and that this could be agreed by condition in the event of a grant of permission.
- 7.4.7. Accordingly, I would have no objection to the proposed development from a flood-risk perspective, and the development is unlikely to be a flood hazard and would not increase the flood risk in the area.

7.5. Other Issues

7.5.1. A number of other issues were raised in the observations submitted which are briefly commented upon below.

7.5.2. Sightlines and accuracy of plans

The applicant in their further information response submitted revised drawings showing 90m sightlines on both sides of the proposed entrance. This was considered acceptable to the Planning Authority and therefore met the requirements under Article 22 of the Planning and Development Regulations 2001 as amended. The appellant refers to the sightlines being outside the scope of the red line. The applicant has confirmed the development boundary and works outlined in red in the planning application drawings extend to the physical boundaries on the ground, i.e the fence and verge line which is within the ownership boundary of the site provider who has provided the legal consent to lodge the planning application. Having visited the site the sightlines are achievable, subject to minor cutbacks along the road frontage in the Council's ownership and lands beyond the red line to the east and west beyond the red line boundary. I note a letter of consent was attached to the planning application from the owner, but this is not a legal consent to go beyond the red line boundary or to cut back any hedging etc..

7.5.3. However, I do not consider that restricted sightlines in this location would result in a traffic hazard on the basis that the proposed telecommunication mast is unlikely to generate significant trip generation during the operational phase. Any issues regarding construction could be appropriately managed by way of a construction traffic management plan to ensure that vehicles travelling to and from the site during the construction phase are appropriately monitored so that they do not constitute a traffic hazard or road safety risk.

7.5.4. Health issues

The Board will note that in so far as health and safety is raised in the grounds of appeal Circular Letter PL07/12, DoECLG 2012, clarifies that this is not a matter for the planning process.

7.5.5. Ownership of land

The appellant has queried the ownership of the subject land and that the site map has not identified whether the adjoining lands are in the owner's ownership, as they have not been identified in blue. I note the owner has signed a consent letter for the applicants to lodge a planning application on his lands, but there does not appear to be a map attached with the letter. The Planning Authority were satisfied that the application was in accordance with Article 22 of the Planning and Development Regulations 2001 as amended for validation purposes.

7.5.6. Pollution to fish farm

An observer has made reference to the proposed development polluting the nearby fish farm. I note Roscrea Fish Farm is c.4km (as the crow flies) to the north west of the subject site, in Drumakeenan near the Little Brosna river on the Tipperary and Offaly border. I note the status of the Bunow river has a moderate quality status and the Little Brosna River next to the fish farm has a poor-quality status according to the EPA website. The applicant has not provided any details regarding site vegetation clearance/topsoil storage to prevent sediment run off into the Bunow river during the operational phase. The FRA states the development 'is highly unlikely to be a source of pollution', however no details have been provided regarding best practice methods to be employed during the construction phase of the development.

However, given the separation distances between both rivers and the overall extent and duration of the development it is unlikely it would impact on the fish farm.

Nevertheless, in applying the precautionary principle and in the event of granting planning permission, the Board may require the applicant to submit a draft Construction Environmental Management Plan (CEMP) outlining the measures and practice envisaged to protect environmental resources during construction. I consider that any measures in such a plan to be best practice measures for works near all watercourses, which would not amount to 'mitigation measures' in the context of an Appropriate Assessment screening.

7.6. **Appropriate Assessment**

- 7.6.1. I note the Bunow river flows into the Little Brosna river which in turn extends along the perimeter of Sharavogue Bog SAC, c.12.8km from the site. Having regard to the nature and limited scale of the proposed development, it is considered that no Appropriate Assessment issues arise and that the proposed development would not

be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the following reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the site's location in an area designated for amenity use, its proximity to Roscrea town and residential properties, and the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 1996 (as updated by Circular Letter PL 07/12); the Roscrea Local Area Plan 2023-2029 and Tipperary County Development Plan 2022-2028, it is considered the development would be visually intrusive by reason of its height, scale and design and would add to the existing clutter in the area and would adversely injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Catherine Dillon
Planning Inspector

8th December 2023